

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 29, 2002

IN RE:

**PETITION FOR APPROVAL OF THE
INTERCONNECTION AGREEMENT BETWEEN
CITIZENS TELECOMMUNICATIONS COMPANY
OF TENNESSEE, LLC D/B/A FRONTIER
COMMUNICATIONS OF TENNESSEE AND
TNRSA NO. 3, LP D/B/A ELOQUI WIRELESS**

DOCKET NO. 02-00697

**ORDER APPROVING
INTERCONNECTION AGREEMENT**

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate, and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on August 5, 2002 to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the interconnection and traffic interchange agreement for cellular and commercial mobile radio services negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee and TNRSA No. 3, LP d/b/a Eloqui Wireless. The agreement was filed on June 12, 2002, and came before the Authority pursuant to 47 U.S.C. § 252.

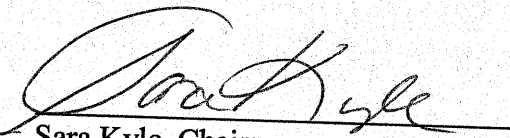
Based upon the record the review of the agreement, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the agreement and made the following findings and conclusions:

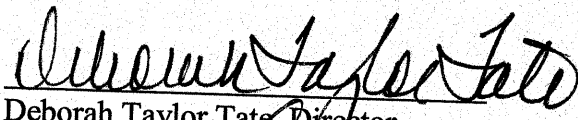
- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The agreement is in the public interest as it provides consumers with alternative sources of telecommunications services within the Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee service area.
- 3) The agreement is not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).¹ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the agreement is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) This is an agreement for the provision of commercial mobile radio services and is not an agreement between competing carriers.
- 6) No person or entity has sought to intervene in this docket.
- 7) The agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

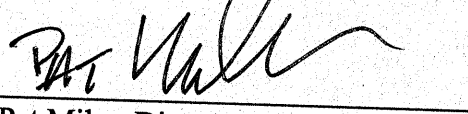
¹ See 47 U.S.C. § 252(e)(2)(B)(Supp. 2001).

IT IS THEREFORE ORDERED THAT:

The Petition is granted, and the interconnection and traffic interchange agreement for cellular and commercial mobile radio services negotiated between Citizens Telecommunications Company of Tennessee, LLC d/b/a Frontier Communications of Tennessee and TNRSA No. 3, LP d/b/a Eloqui Wireless is approved and is subject to the review of the Authority as provided herein.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Pat Miler, Director